

Response to Notification of Non-Compliant
Appeal Brief - dated May 2, 2005

Application 09/868,689

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCE**

RECEIVED
CENTRAL FAX CENTER
MAY 02 2005

In re Application of:)	
)	
Nichols)	
)	Group Art Unit: 2121
Serial No.: 09/868,689)	
)	Examiner: Hirl, Joseph P.
Filed: September 26, 2001)	
)	Attorney Docket No: 005222.00163
For: A Simulation System for a)	
Simulation Engine with a Help)	
Website and Processing Engine)	

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop: Appeal Brief-Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Non-Compliant Appeal Brief dated April 30, 2005, the Appellants submit the attached Appeal Brief. The Appellants are attaching a copy of the Notification of Non-Compliant Appeal Brief. Because the Appellants previously paid the fee for the Appeal Brief dated November 29, 2001, the Appellants believe no additional fees are required.

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Response to Notification of Non-Compliant
Appeal Brief - dated May 2, 2005

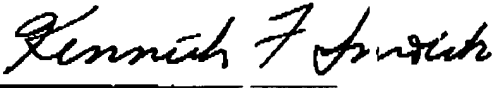
Application 09/868,589

However, the Commissioner is authorized to charge any necessary fees in connection
with this Appeal Brief to Deposit Account No. 19-0733.

Respectfully Submitted,

Banner & Witcoff, LTD

Date: May 2, 2005

By: 

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Application 09/868,689

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MAY 02 2005**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Serial No.: 09/868,689)	
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Filed: September 26, 2001)	
)	Attorney Docket No: 005222.00163
For: A Simulation System for a)	
Simulation Engine with a Help)	
Website and Processing Engine)	

BRIEF ON APPEAL

Mail Stop: Appeal Brief-Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 41.37, Appellants submit this Appeal Brief, in triplicate, to the Board of Patent Appeals and Interferences in response to the Final Office Action mailed on March 29, 2004 and the Advisory Action mailed August 3, 2004. A Notice of Appeal was timely filed on September 27, 2004. A Notification of Non-Compliant Appeal Brief was mailed on March 30, 2005. The Examiner set a one-month period for response, thus making this new brief due on or before **April 30, 2005**. Please charge any necessary fees in connection with this Appeal Brief to Deposit Account No. 19-0733.

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Applicatio n 09/868,689

I. Real Parties in Interest

The real party in interest is ACCENTURE LLP.

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II. Related Appeals and Interferences

Appellants are unaware of any appeals or interferences related to the subject appeal.

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III. Status of the Claims

Claims 1-18 are pending and are found in the Appendix. Claims 1-18 stand rejected. No claims have been allowed.

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Applicatio n 09/868,1189

IV. Status of Amendments

No amendment after final rejection has been filed.

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V. Summary of the Invention

The present invention is directed to systems and methods to provide a cognitive educational experience, in which a user experiences a simulated real-world environment. (Page 1, lines 31-32.) An artificial intelligence (AI) engine may be utilized to drive individualized and dynamic feedback with synchronized video and graphics. (Page 1, lines 35-36.) The user navigates through a presentation at a pace controlled by the user. (Page 1, lines 36-38.) Moreover, a website is linked to the presentation to provide context-sensitive information to assist the user. (Page 1, lines 31-38.) Prior art educational systems typically utilize static, hard-coded feedback with some video and graphics to add visual appeal and to illustrate concepts. Typically, prior art educational systems do not architect real business simulations into the rules that provide a creative experience for the user. (Page 2, lines 2-29.)

Figure 2 (as shown below) illustrates a system architecture of an embodiment of the invention. (Page 3, line 32 – page 4, line 12.)

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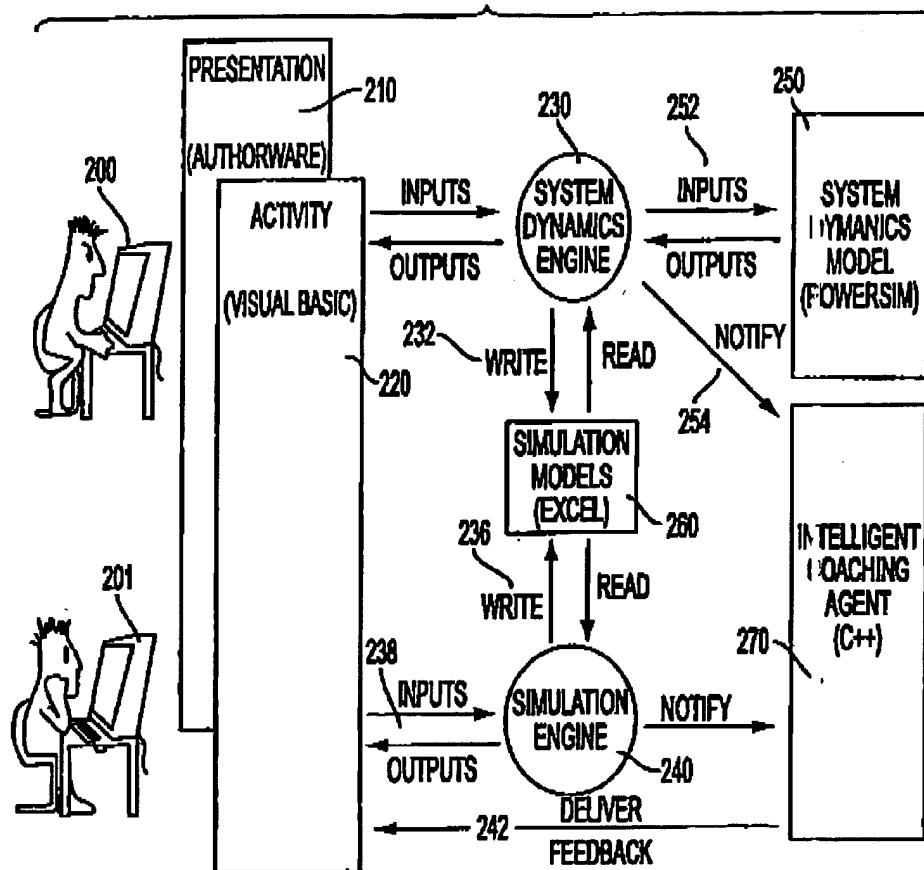


FIG. 2

Presentation layer 210 is separate from activity layer 220 and communication is facilitated through system dynamics engine 230 that controls the display specific content topics. (Page 3, lines 32-34.) An embodiment enables users (e.g., knowledge workers) 200 and 201 to acquire skills by placing individual users 200 and 201 in a simulated business environment. (Page 3, lines 34-35.) System dynamics engine 230 may include a mathematical tool which simulates business outcomes of an individual's collective

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actions over a period of time. (Page 3, lines 39-40.) System dynamics model 25) may consist of an HTML content layer which organizes and presents packaged knowledge. Intelligent coaching agent 270 comprises artificial intelligence agent 240 which generates individualized coaching messages based on decisions made by the individual user 200 or 201. (Page 4, lines 1-4.) Feedback 242 is unique for each individual user 200 or 201 completing the course. (Page 4, lines 5-12.) The embodiment may provide a large number of pre-designed learning interactions such as inputs/outputs 238.

Figure 18 (as shown below) illustrates student interaction in accordance with an embodiment of the invention, in which a user (student) journalizes invoices. (Page 18, lines 6-26.)

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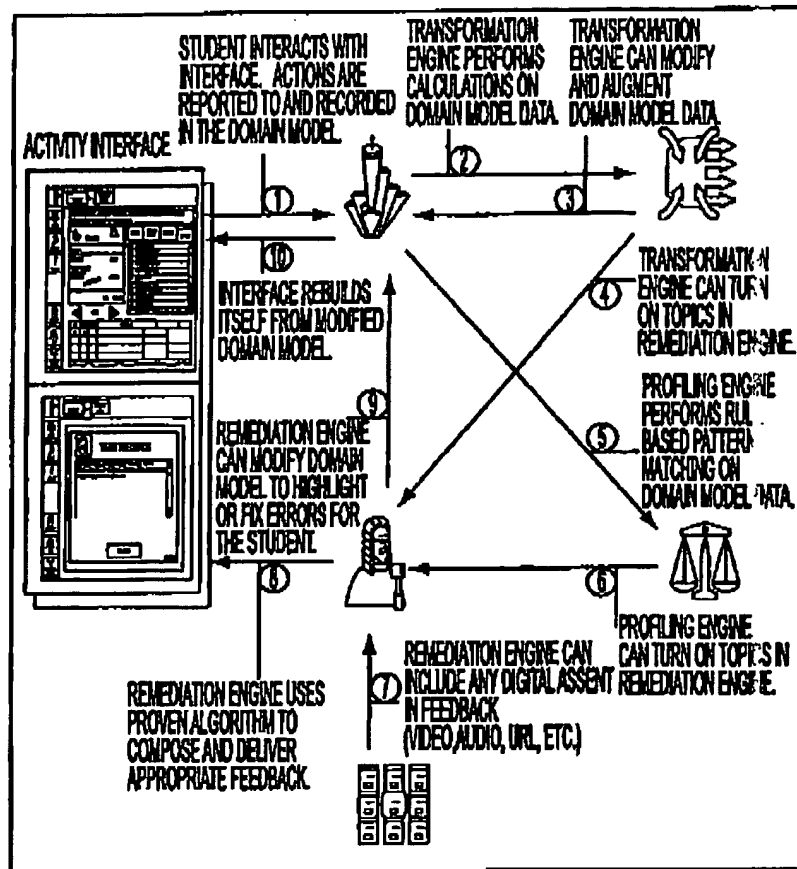


FIG. 18

As the user interacts with the interface, all actions are reported and recorded in the Domain Model and are submitted when the student is ready. (Page 18, lines 6-13.) An Analysis-Interpretation cycle is triggered and a Transformation Component is involved to perform further calculations (e.g., verifying that debits and credits match in the submitted journal entries) on the submitted data in the Domain Model. (Page 18, lines 13-15.) A Profiling Component may subsequently perform rule-based pattern matching on the data

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in the Domain Model, examining both the student actions and the results of the Transformation Component analysis. (Page 18, line 16.) Some of the resulting profiles may activate topics in the Remediation Component, which is then invoked. (Page 18, lines 17-18.) The remediation algorithm searches active topics in order to determine the best set of topics to deliver to the user. For example, the topics may contain text, video, audio, and URLs. (Page 18, lines 18-20.) The presented material may be assembled into prose-like paragraphs to text and media and may include links to reference material.

Claim 1 includes the following elements: (a) receiving indicia representative of a goal, (b) integrating examples into the presentation to provide assistance with achieving the goal, (c) monitoring progress of a student toward the goal and providing feedback that further assists the student in accomplishing the goal, the progress being independent of an activity of another student, and (d) providing a linkage to a website of information to assist with achieving the goal. The above elements are supported by the specification as originally filed. The specification discloses elements (a)-(d), for example, in Figures 8-9 (as shown below), Figure 18 (as shown above), and the associated discussion. Regarding element (a) "receiving indicia representative of a goal", the user clicks in one of the tabs (as shown in Figure 8) to show the accounts of the corresponding type (Assets, Liabilities & Equity, Revenues, and Expenses). (Page 15, lines 12-13) Regarding element (b) "integrating examples into the presentation to provide assistance with achieving the goal", the student is provided an example (as shown in Figure 8) in which the student journalizes a transaction by dragging an account from the account list into the journal entry Debits or Credits. (Page 15, lines 13-18.) The student then enters the dollar amounts to debit or credit each account in the entry. In the interface, the student can have multi-

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legged journal entries (i.e., debiting or crediting multiple accounts). Tool bar 1200 and the first transaction of Task 1210 appear on the display shown in Figure 8. The student can move forward or back through the stack of transactions. For each transaction, the student must identify which accounts to debit and which to credit. When the student is done, the student clicks the Team button as shown in Figure 8.

The screenshot displays an accounting application interface. At the top, a 'RECORD TRANSACTIONS' bar contains 'JOURNALIZE' and 'PREPARE FOR MEETING' buttons. Below this, a central panel titled 'REVIEW EACH INVOICE, AND CREATE THE PROPER JOURNAL ENTRY BY DRAGGING THE APPROPRIATE ACCOUNTS FROM THE ACCOUNT LIST TO THE JOURNAL' shows a transaction for 'E BIKES' dated 01/02. The transaction description is 'START-UP INVESTMENT IN E-BIKES FROM E-CORPORATE RECEIVED IN CASH' with an amount of \$210,000.00. A 'TOTAL' of \$210,000.00 is shown. To the right, a list of accounts is provided, including 'COST OF GOODS SOLD', 'DIRECT MATERIAL VARIANCE', 'CASH DISCOUNTS EARNED', 'IMPUTED INTEREST EXPENSE', 'OTHER FINANCIAL CHARGES', 'INTEREST EXPENSE', 'US FEDERAL INCOME TAXES', 'SALARIES AND WAGES EXPENSE', 'PAYROLL ALLOWANCES', and 'EMPLOYEE BENEFITS'. A sidebar on the left contains icons for 'EDIT', 'TIMELINE', 'GLOSSARY', 'HOW VIEW', 'ASSIGNMENT', 'TEAM', and 'ACCOUNTING CONCEPTS'. At the bottom, a 'JOURNAL-Y1' table is visible with columns for DATE, ENT#, ACCOUNTS, DR, and CR.

DATE	ENT#	ACCOUNTS	JOURNAL-Y1	DR	CR
1/31	1				

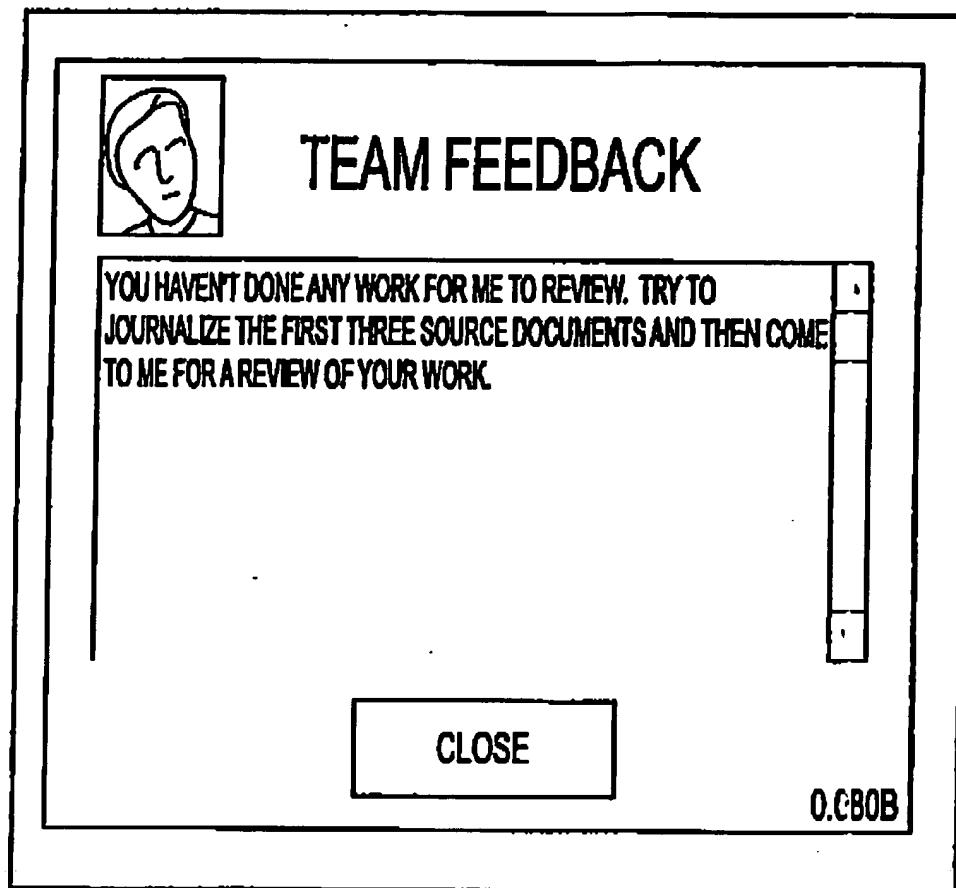
FIG. 8

Regarding element (c) "monitoring progress of a student toward the goal and providing feedback that further assists the student in accomplishing the goal, the progress being

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independent of an activity of another student", Figure 9 (shown below) is a feedback display. The Intelligent Coaching Agent Tool ICAT system (as disclosed from Page 12, line 28 - page 13, line 17) identifies the student that has not done a substantial amount of work and returns the administrative feedback as depicted in Figure 9. (Page 15, line 18 - page 16, line 3.)

**FIG. 9**

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Regarding element (d) "providing a linkage to a website of information to assist with achieving the goal", the remediation algorithm (as shown in Figure 18 above) searches active topics in order to determine the best set of topics to deliver to the user. For example, the topics may contain text, video, audio, and URLs. (Page 18, lines 18-21.)

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VI. Grounds of Rejection to be Reviewed on Appeal

Claims 1-18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,210,272 (Brown). Claims 1 and 10 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

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VII. Argument

The following claims stand or fall together in the six indicated groups: (a) claim 1; (b) claim 10; (c) claims 2 and 11; (d) claims 3 and 12; (e) claims 4 and 13; (f) claims 5 and 14; (g) claims 6 and 15; (h) claims 7 and 16; (i) claims 8 and 17; and (j) claims 9 and 18.

A. Office Action fails to show non-compliance of the written description under 35 U.S.C. § 112 as claimed in claim 1.

Claim 1 includes the feature of "monitoring progress of a student toward the goal and providing feedback that further assists the student in accomplishing the goal, the progress being independent of an activity of another student." The Office Action alleges that the specification is "silent on 'the progress being independent of an activity of another student'." However, "By disclosing in a patent application a device that inherently performs a function or has a property, operates according to a theory or has an advantage, a patent application necessarily discloses that function, theory or advantage, even though it says nothing explicit concerning it." MPEP § 2163.07(a). The instant specification inherently discloses independence between students as included in the feature of "monitoring progress of a student toward the goal and providing feedback that further assists the student in accomplishing the goal, the progress being independent of an activity of another student" as included in claim 1. For example, the system in Figure 2 includes a mathematical modeling tool that simulates business outcomes of an individual's collective actions, in which the actions and processing of user 200 does not depend (i.e., independent) from the actions and processing of user 201. (Page 3, line 32 – page 4, line 12.) Moreover, the specification discloses methods and systems to insure

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independence between students to insure that the user (student) has completed all of the work rather than claiming the work of another user. For example, the specification discloses (Page 18, lines 1-5):

While the student is performing the work in Tasks, every action he takes, the feedback he gets, and any other indicators of performance are tracked in the Student Tracking Database. Periodically, part or all of the tracked data are transmitted to a central location. The data can be used to verify that the student completed all of the work, and can be further analyzed to measure his degree of mastery of the content.

The Office Action further alleges that "Such [software] commonality will allow for similar (identical) student activity which, of course, would mean the progress of a student would not be different from that of another student." While the instant specification discloses software commonality so that software design can be reused in different applications to improve software design efficiency (Page 5, line 22 – page 8, line 18.), the progress of a student is dependent on the actions of only that student and not of another student with the resulting software design. If the student does well enough, that student will progress through the presentation regardless of the actions of another student. For example, a profile (which may fire a topic in the Remediation Component) is activated based on the mistakes and correct answers given by the student and not another student. (Page 18, lines 16-18.) Thus, the rejections of claim 1 under 35 U.S.C. § 112 first paragraph should be reversed.

B. Office Action fails to show non-compliance of the written description under 35 U.S.C. § 112 as claimed in claim 10.

Claim 10 includes the feature of "logic that monitors progress of a student toward the goal and provides feedback that further provides the student assistance in accomplishing the goal, the progress being independent of an activity of another student."

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The Office Action alleges that the specification is "silent on 'the progress being independent of an activity of another student'." However, "By disclosing in a patent application a device that inherently performs a function or has a property, operates according to a theory or has an advantage, a patent application necessarily discloses that function, theory or advantage, even though it says nothing explicit concerning it." MPEP § 2163.07(a). The instant specification inherently discloses independence between students as included in "logic that monitors progress of a student toward the goal and provides feedback that further provides the student assistance in accomplishing the goal, the progress being independent of an activity of another student." For example, the system in Figure 2 includes a mathematical modeling tool that simulates business outcomes of an individual's collective actions, in which the actions and processing of user 200 does not depend (i.e., independent) from the actions and processing of user 201. (Page 3, line 32 – page 4, line 12.) Moreover, the specification discloses methods and systems to insure independence between students to insure that the user (student) has completed all of the work rather than claiming the work of another user. For example, the specification discloses (Page 18, lines 1-5):

While the student is performing the work in Tasks, every action he takes, the feedback he gets, and any other indicators of performance are tracked in the Student Tracking Database. Periodically, part or all of the tracked data are transmitted to a central location. The data can be used to verify that the student completed all of the work, and can be further analyzed to measure his degree of mastery of the content.

The Office Action further alleges that "Such [software] commonality will allow for similar (identical) student activity which, of course, would mean the progress of a student would not be different from that of another student." While the instant specification discloses software commonality so that software design can be reused in different

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applications to improve software design efficiency (Page 5, line 22 – page 8, line 18.), the progress of a student is dependent on the actions of only that student and not of another student with the resulting software design. If the student does well enough, that student will progress through the presentation regardless of the actions of another student. For example, a profile (which may fire a topic in the Remediation Component) is activated based on the mistakes and correct answers given by the student and not another student. (Page 18, lines 16-18.) Thus, the rejections of claim 10 under 35 U.S.C. § 112, first paragraph should be reversed.

C. Office Action fails to show a teaching for every claim limitation as claimed in claim 1.

While claim 1 claims a method that includes the feature of “monitoring progress of a student toward the goal and providing feedback that further assists the student in accomplishing the goal, the progress being independent of an activity of another student”, Brown (US Patent No. 6,210,272) requires dependence between students and thus does not teach this feature. For example, Brown teaches about “Setting a common goal such as maintaining good health in a particular way of correlating the outcomes of two player’s actions in order to encourage cooperation and communications between the players. Another unique way of correlating the outcomes of the actions of two or more players is based on what is generally known as the Prisoner’s Dilemma.” (Column 5, lines 61-67.) Brown teaches about “cooperation and discussion between game players by correlating the player’s progress toward achieving their game objectives”. (Column 2, lines 11-13.) In fact, as taught by Brown, “Each player is aware of the game actions of other player(s) through data synchronization via an electronic connect, such as a direct

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modem connection 114.” (Column 7, lines 60-63.) Also, Brown discloses a payoff matrix in Figure 6, in which players either “cooperate” with or “betray” each other. Rather than having independence between players, Brown teaches away from independence and requires dependence between players. Brown does not anticipate claim 1, and thus the rejection of claim 1 under 35 U.S.C. 102(e) should be reversed.

D. Office Action fails to show a teaching for every claim limitation as claimed in claim 10.

Claim 10 claims an apparatus that includes “logic that monitors progress of a student toward the goal and provides feedback that further provides the student assistance in accomplishing the goal, the progress being independent of an activity of another student.” Brown merely shows the dependence of outcomes for players as shown in FIG. 6. (Column 6, lines 6-14.) The disclosure as shown in FIG. 6 requires dependence between player 1 and player 2. The players may cooperate with each other (corresponding to the upper, left cell) or betray each other (corresponding to the lower, right cell). Also, one player may think that the other player will cooperate; however, the other player subsequently betrays the player (corresponding to the upper, right cell and the lower, left cell). Brown does not teach independence between players but requires interaction between players. Thus, Brown does not anticipate claim 10. The rejection of claim 10 under 35 U.S.C. 102(e) should be reversed.

E. Office Action fails to show a teaching for every claim limitation as claimed in claims 2 and 11.

Claims 2 and 11 include features relating to “the website comprises a plurality of HTML documents.” “While the Office Action alleges that ASCII files are distributed

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among user computers and the server in a network architecture" (referring to column 7, lines 38-63 of Brown), Brown does not teach or even suggest the alleged ASCII files. Moreover, the Office Action further alleges that "HTML documents are ASCII files." However, almost any conceivable form of human communication may be represented as an ASCII file, including Shakespeare's "Hamlet" and a computer program. One cannot reasonably conclude that HTML files are taught from the assumption that ASCII files are taught. Thus, the rejections of claims of claims 2 and 11 under 35 U.S.C. 102(e) should be reversed.

F. Office Action fails to show a teaching for every claim limitation as claimed in claims 3 and 12.

Claims 3 and 12 include features relating to "the website comprises a relational database of information." While the Office Action alleges that "a relationship database is a database that is organized and accessed according to relationships between data item" (referring to column 7, lines 38-63 of Brown), Brown does not provide teachings regarding databases of information and thus does not anticipate claims 3 and 12. Thus, the rejections of claims of claims 3 and 12 under 35 U.S.C. 102(e) should be reversed.

G. Office Action fails to show a teaching for every claim limitation as claimed in claims 4 and 13.

Claims 4 and 13 include features relating to "the website is keyword indexed." While the Office Action alleges that "Brown anticipates the website is keyword indexed" (referring to column 5, lines 29-33 of Brown), Brown merely discloses a screen (e.g., a menu) in which a user can choose one of a plurality of choices. The selected choice is tracked, and a player is correspondingly awarded points. However, Brown does not

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anticipate a website that is keyword indexed. Thus, the rejections of claims of claims 4 and 13 under 35 U.S.C. 102(e) should be reversed.

H. Office Action fails to show a teaching for every claim limitation as claimed in claims 5 and 14.

Claims 5 and 14 include features relating to "the website includes linkages to the presentation." While the Office Action alleges that "Brown anticipates the website includes linkages to the presentation" (referring to column 7, lines 31-63 of Brown), Brown merely shows a client-server relationship in FIG. 7-A when referring to an Internet-connected approach, in which game software runs on each player's computer. However, Brown does not anticipate a website that includes linkages to the presentation. Thus, the rejections of claims of claims 5 and 14 under 35 U.S.C. 102(e) should be reversed.

I. Office Action fails to show a teaching for every claim limitation as claimed in claims 6 and 15.

Claims 6 and 15 include features relating to "the website includes navigation information for the presentation." While the Office Action alleges that "Brown anticipates the website includes navigation information for the presentation" (referring to column 5, lines 29-33 of Brown), Brown merely discloses a screen (e.g., a menu) in which a user can choose one of a plurality of choices. The selected choice is tracked, and the player is correspondingly awarded points. However, Brown does not anticipate a website that includes navigation information for a presentation. Thus, the rejections of claims of claims 6 and 15 under 35 U.S.C. 102(e) should be reversed.

J. Office Action fails to show a teaching for every claim limitation as claimed in claims 7 and 16.

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Claims 7 and 16 include features relating to "the website is indexed in a hierarchical manner." While the Office Action alleges that "Brown anticipates the website is indexed in a hierarchical manner" (referring to column 5 lines 29-33 of Brown), Brown merely discloses a screen (e.g., a menu) in which a user can choose one of a plurality of choices. The selected choice is tracked, and the player is correspondingly awarded points. However, Brown does not anticipate a website that is indexed in a hierarchical manner. Thus, the rejections of claims 7 and 16 under 35 U.S.C. 102(e) should be reversed.

K. Office Action fails to show a teaching for every claim limitation as claimed in claims 8 and 17.

Claims 8 and 17 include features relating to "the website includes presentations on related presentation information." While the Office Action alleges that "Brown anticipates the website includes presentations on related presentation information" (referring to column 5, lines 29-33 of Brown), Brown merely discloses a screen (e.g., a menu) in which a user can choose one of a plurality of choices. The selected choice is tracked, and the player is correspondingly awarded points. However, Brown does not anticipate a website that includes presentations on related presentation information. Thus, the rejections of claims 8 and 17 under 35 U.S.C. 102(e) should be reversed.

L. Office Action fails to show a teaching for every claim limitation as claimed in claims 9 and 18.

Claims 9 and 18 include features relating to "the website information is based on the presentation context." While the Office Action alleges that "Brown anticipates the website information is based on presentation context" (referring to column 5, lines 29-5 and column 7, lines 38-63 of Brown), Brown merely discloses a screen (e.g., a menu) in

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which a user can choose one of a plurality of choices and an Internet-connected approach. The selected choice is tracked, and a player is correspondingly awarded points. However, Brown does not anticipate a website that includes presentations on related presentation information. Thus, the rejections of claims of claims 9 and 18 under 35 U.S.C. 102(e) should be reversed.

Conclusion

The rejections contained in the Office Action of March 29, 2004 should be reversed for at least the reasons recited above. Reversal of the rejections is requested.

Respectfully Submitted,

Banner & Witcoff, LTD

Date: May 2, 2005

By:



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CLAIMS APPENDIX

1. A method for creating a presentation, comprising the steps of:
 - (a) receiving indicia representative of a goal;
 - (b) integrating examples into the presentation to provide assistance with achieving the goal;
 - (c) monitoring progress of a student toward the goal and providing feedback that further assists the student in accomplishing the goal, the progress being independent of an activity of another student; and
 - (d) providing a linkage to a website of information to assist with achieving the goal.
2. A method for creating a presentation as recited in claim 1, wherein the website comprises a plurality of HTML documents.
3. A method for creating a presentation as recited in claim 1, wherein the website comprises a relational database of information.
4. A method for creating a presentation as recited in claim 1, wherein the website is keyword indexed.
5. A method for creating a presentation as recited in claim 1, wherein the website includes linkages to the presentation.
6. A method for creating a presentation as recited in claim 1, wherein the website includes navigation information for the presentation.
7. A method for creating a presentation as recited in claim 1, wherein the website is indexed in a hierarchical manner.
8. A method for creating a presentation as recited in claim 1, wherein the website includes presentations on related presentation information.

9. A method for creating a presentation as recited in claim 1, wherein the website information is based on the presentation context.
10. An apparatus that creates a presentation, comprising:
- (a) a processor
 - (b) a memory that stores information under control of the processor;
 - (c) logic that integrates examples into the presentation to provide assistance with achieving the goal;
 - (d) logic that monitors progress of a student toward the goal and provides feedback that further provides the student assistance in accomplishing the goal, the progress being independent of an activity of another student; and
 - (e) logic that provides a linkage to a website of information to assist with achieving the goal.
11. An apparatus that creates a presentation as recited in claim 10, wherein the website comprises a plurality of HTML documents.
12. An apparatus that creates a presentation as recited in claim 10, wherein the website comprises a relational database of information.
13. An apparatus that creates a presentation as recited in claim 10, wherein the website is keyword indexed.
14. An apparatus that creates a presentation as recited in claim 10, wherein the website includes linkages to the presentation.
15. An apparatus that creates a presentation as recited in claim 10, wherein the website includes navigation information for the presentation.
16. An apparatus that creates a presentation as recited in claim 10, wherein the website is indexed in a hierarchical manner.

17. An apparatus that creates a presentation as recited in claim 10, wherein the website includes presentations on related presentation information.

18. An apparatus that creates a presentation as recited in claim 10, wherein the website information is based on the presentation context.

EVIDENCE APPENDIX

-NONE-

RELATED PROCEEDINGS APPENDIX

-NONE-

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09/868,689	005222.00163

RE: In re: Appln. Mark Stewart Nichols
Appln. No. 09/868,689
Filed: September 26, 2001
For: A Simulation System for Simulation Engine with a Help Website and Processing Engine

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Brief on Appeal

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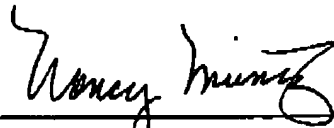
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Transmittal Page (1 page)
Fee Transmittal (1 page) in duplicate
Brief on Appeal (28 pages)

This transmission totals 34 pages including this cover sheet.

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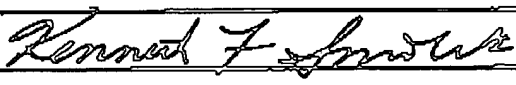
PT 1/58/21 (08-04)

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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/868,689	
	Filing Date	September 23, 2001	
	First Named Inventor	Mark Stewart Nichols	
	Art Unit	2121	
	Examiner Name	Hiri, Joseph	
Total Number of Pages in This Submission	31	Attorney Docket Number	005222.001E3

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Cover Sheet
Remarks: Being filed via fax transmission. The Commissioner is hereby authorized to charge any deficiencies in payment or credit any overpayment to our Deposit Account 19-6733.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Banner & Witcoff, LTD.		
Signature			
Printed Name	Kenneth Smolik		
Date	May 2, 2005	Reg. No.	44,344

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name		Date	

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PTO/SB/17 (12-04v2)

Approved for use through 07/31/2008. OMB 0351-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/06/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
for FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$500

Complete if K-C own

Application Number	09/868,689
Filing Date	September 26, 2001
First Named Inventor	Mark Stewart Nichols
Examiner Name	Hiri, Joseph P.
Art Unit	2121
Attorney Docket No.	005222.00163

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : _____

☒ Deposit Account Deposit Account Number: 19-0733 Deposit Account Name: Banner & Witcoff, LTD.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments

Under 37 CFR 1.16 and 1.17

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fee Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	---
Design	200	100	100	50	130	65	---
Plant	200	100	300	150	160	80	---
Reissue	300	150	500	250	600	300	---
Provisional	200	100	0	0	0	0	---

2. EXCESS CLAIM FEES

Fee Description	Small Entity Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)	50	.5
Each independent claim over 3 (including Reissues)	20	1.0
Multiple dependent claims	36	1.0
Total Claims	Extra Claims	Fee (\$)
_____ - 20 or HP = _____	x _____	= _____
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee (\$)
_____ - 3 or HP = _____	x _____	= _____
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x	=	_____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief Fee

Fees Paid (\$)

\$500.00

SUBMITTED BY

Signature	<i>Kenneth Smolik</i>	Registration No. (Attorney/Agent)	44,344	Telephone	312-463-5000
Name (Print/Type)	Kenneth Smolik	Date	May 2, 2006		

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1480, Alexandria, VA 22313-1480. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

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